



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,002	09/29/2000	KOJI KIKUCHI	35.C14844	2053
5514	7590	04/05/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,002

Applicant(s)

KIKUCHI, KOJI

Examiner

Adnan M. Mirza

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (U.S. 5,796,633), Lau (U.S., 6,101,500) and Wiggins (U.S. 5,717,604).

As per claims 1,5,17,21 Burgess disclosed a data processing apparatus that is adapted to communicate data through a network to each of a plurality of computers and a plurality of peripheral devices connected to said network, comprising: display means for displaying said plurality of computers and said the plurality of peripheral devices as symbol information respectively onto a virtual system display screen (col. 5, lines 33-41);

However Burgess failed to disclose first discriminating means for discriminating from the plurality of computers, license management server computer that is used by said data processing apparatus and a license server function for issuing a predetermined license to at least one of said data processing apparatus and any other of the plurality of the computers.

Art Unit: 2145

In the same field of endeavor Lau disclosed MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from many Vendors, such as Sun Microsystems, Inc. and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated) (col. 9, lines 15-25).

Applicant amended the claims by replacing licensor with license management server but it did not change the interpretation of the claim. One ordinary skill in the art at the time of the invention knows that the server is define as processor that process the request.

However Burgess-Lau did not disclose in detail first control means for controlling said display means to display as a visual symbol the license management server computer discriminated by said first discriminating means such that the license management computer may be distinguished from one or more of the plurality of computers that receive the predetermined license from the license management computer on the display screen.

In the same field of endeavor Wiggins disclosed if the current users equals max users, check for an alternate license file alwhofile. If an alternate is specified connect the alternate license server to alwhoservice. Verify the connection by calling function Is Success If successful continue, If not, display message indicating no available licenses (col. 8, lines 1-13).

Art Unit: 2145

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated if the current users equals max users, check for an alternate license file alwhofile. If an alternate is specified connect the alternate license server to alwhoservice. Verify the connection by calling function Is Success If successful continue, If not, display message indicating no available licenses as taught by Wiggins in the method of Burgess-Lau-Wiggins to allow easy tracking of the configuration of computers in the network.

3. As per claims 2,6,10,14,18,22 Burgess-Lau-Wiggins disclosed further comprising: second discriminating means for discriminating, from the plurality of computers, licensee computers to which the predetermined license has been issued from the license management server computer discriminated by said first discriminating means (Lau, col. 9, lines 54-67); and second control means for controlling the computers discriminated by said second discriminating means such that the licensee computers may be identified from other devices on the virtual system display screen (Lau, col. 10, lines 47-56).

4. As per claims 3,7,11,15,19,23 Burgess-Lau-Wiggins disclosed further comprising: third discriminating means for discriminating a server device having an image input server function which may be used by said data processing apparatus (Burgess, col. 5, lines 7-16); third control means for controlling the server device discriminated by said third discriminating mean such that the server device be identified from other devices on the display screen (Burgess, col. 9, lines 35-50); selecting means for selecting a symbol on said display screen; and service supplying means for supplying a common service to each of the licensee computers to which the

Art Unit: 2145

predetermined license has been issued from the licensor computer, when the licensor computer and the server device have been selected by said selecting means (Lau, col. 9, lines 54-67).

5. As per claim 4 Burgess-Lau-Wiggins disclosed wherein the common service which is supplied by said service supplying means includes a distribution service for distributing a same data to each of the licensee computer (Burgress, col. 9, lines 52-67).

6. As per claims 9,13 has the same limitations as to claims 1 and 5 therefore under the same relations claim 9 can be rejected.

7. As per claims 8,12,16,20,24 Burgess-Lau-Wiggins disclosed wherein the service which is supplied by said service supplying step includes a distribution service for distributing same data to each of said licensee computers (Burgress, col. 9, lines 52-67).

Response to Arguments

Applicant's arguments filed 01/19/2006 have been fully considered but they are not persuasive.

Applicant's arguments are as follows.

A. Applicant argued that Lau did not disclose discriminating a licensor computer having a license server function for issuing a predetermined license to a data processing apparatus. The

Art Unit: 2145

prior art also failed to disclose controlling a licenser computer such that the licenser computer may be identified from other devices on a virtual system display screen.

As to point A Lau disclosed MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from many Vendors, such as Sun Microsystems, Inc. and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated) (Lau, col. 9, lines 15-25). One ordinary skill in the art at the time of invention it would have been obvious to discriminate different computers or users or servers on the basis of licensee agreements. Lau stated in the above paragraph that different computer has to be licensed in order for the different vendors to use it. Also Lau in the above statement stated that Different operating system are licensed by different Vendors who also maker of the computers like SUN, IBM, HP that discriminate on the basis of the licenses of the operating system.

B. Applicant argued that Wiggins did not disclose, "data processing apparatus discriminating from a plurality of computers, a license management server computer that is used by the data processing apparatus and has a license server function for issuing a predetermined license to at least one of the data processing apparatus and any other of plurality of computers, and controlling a display means to display as a visual symbol the license management server computer such that the license management server computer may be distinguished from one or

Art Unit: 2145

more of the plurality of computer that receive the predetermined license from the license management server computer.

As to point B Wiggins disclosed, "Control begins at step 312 where control determines If the user 1 has requested access to the application. If not control loops until user 1 does request access. If access is requested, control continues with step 314 where control determines if all license copies are being used. The number of license copies is set by max users variable. If not control returns to step 312. If all license copies are currently being used as determined at step 314, control compares the priority of user1 to other users priority and application status at step 316. If the user 1 priority is greater then the otherusers priority, or if the user1 equals prioriryt other users priority and the other user and the other user is inactive as identified at step 318 and 320 (col. 14, lines 14-26).

Examiner recommends that the Applicant's claims still require the language to reflect the details argued. The applicant's amendment to the claims did not disclose in detail the subject matter.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2145

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

10. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2145

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner


JASON CARDONE
SUPERVISORY PATENT EXAMINER